

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN WILLIAM KEY,

Plaintiff,

v.

Case No. 19-C-735

GARY KARY, et al.,

Defendants.

ORDER

Plaintiff is proceeding on Eighth Amendment claims in this lawsuit filed under 42 U.S.C. § 1983. Discovery is due October 2, 2020. Plaintiff twice moved for an order compelling discovery from Defendants, stating that he has requested but not yet received the names of the John and Jane Doe defendants. Dkt. Nos. 36 & 37. He also requested more time to conduct discovery. Dkt. Nos. 37 & 39. Defendants respond that they have not received Plaintiff's requests for the names of the Doe defendants. Dkt. No. 38. Defendants also request extensions to the deadlines for completing discovery and submitting dispositive motions. Dkt. No. 40.

In the April 2, 2020 Screening Order, I instructed Plaintiff to use discovery to learn the names of the Doe defendants in this case. Dkt. No. 21 at 6. I explained he could serve interrogatories or request documents to obtain the information he needed to learn their identities. *Id.* In the June 2, 2020 Scheduling Order, I reiterated Plaintiff's obligation to use discovery to identify the Doe defendants and ordered him to so do by September 2, 2020. Dkt. No. 31 at 1.

Plaintiff states that he merely requested Defendants "produce for inspection and copying the following documents: name of John Jane Doe." Dkt. No. 36. But it is not Defendants'

obligation to attempt to identify unknown persons Plaintiff seeks to sue. As I previously explained, Plaintiff must request information that will lead him to the Doe defendants' identities. Defendants provide examples of appropriate requests in their response to Plaintiff's motion. Dkt. No. 38 at 2. Plaintiff included appropriate requests with his second motion to compel, but it is not clear whether he ever served those requests on Defendants. Dkt. No. 37-1. Even if he had, Defendants note that Plaintiff has not made any effort to confer with Defendants in good faith before seeking court intervention, as he must under Fed. R. Civ. P. 37(a)(1) and Civil L. R. 37.

Because Plaintiff has not complied with my orders or the Federal and Local Rules, I will deny his motions to compel discovery. But I will extend his deadline for identifying the Doe defendants. Plaintiff must move to substitute the Doe defendants with their identities **by October 2, 2020.**

Defendants also request a sixty-day extension of time to complete discovery and file dispositive motions. Dkt. No. 40. Because I am extending the time for Plaintiff to identify the Doe defendants, there is good cause to extend the other deadlines in this case, as well. The deadline for completing discovery will be **extended from October 2, 2020, to December 2, 2020.** The deadline for filing dispositive motions will be **extended from November 2, 2020, to January 4, 2021.**¹

IT IS THEREFORE ORDERED that Plaintiff's motions to compel discovery, Dkt. Nos. 36 & 37, are **DENIED.**

¹ Defendants request that the deadline for dispositive motions "be extended to January 2, 2020." Dkt. No. 40, ¶ 12 (emphasis omitted). I assume Defendants listed 2020 as a typographical error, but January 2, 2021, is a Saturday. I will extend the deadline to the next business day, January 4, 2021.

IT IS FURTHER ORDERED that Plaintiff's request for additional time for discovery, Dkt. No. 39, is **GRANTED**. Plaintiff must identify the John Doe defendants **by October 2, 2020**.

IT IS FURTHER ORDERED that Defendants' motion to extend the deadlines for completing discovery and submitting dispositive motions is **GRANTED**. All discovery shall be completed **by December 2, 2020**. Dispositive motions and all supporting documents shall be submitted to the court **by January 4, 2021**.

Dated at Green Bay, Wisconsin this 1st day of September, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge